

put it, "kick it around with the legal opinions," - various lawyers in the Police Department and the District Attorney's Office, etc. In the middle of the discussion, I decided it was no use waiting too long since the Attorney General said they wouldn't, except by my application to the Court and that is how this application came about.

MR. BARKER: I presume this was filed early on the day of the election?

MR. MARCANTONIO: That was around noon.

MR. GOODWIN: I think it should be pointed out in this connection that that particular election district, the 15th election district of the 16th Assembly district, where this camera was, is one of the Congressman's best districts where he obtained his largest pluralities and majorities, and where he had gotten his largest majority in the Democratic and Republican primary and, incidentally, as the memorandum which you have explains, there was not a single voter in that district who was on challenge list - on the ground that he should not vote on Election Day.

MR. MARCANTONIO: And the only attempt to justify such an extraordinary abuse that Mr. Schaefer made was that 12 years ago when Mr. LaGuardia was a candidate for mayor, he had gotten into an altercation in the polling place.

MR. GOODWIN: There was no evidence whatsoever.

MR. MARCANTONIO: And I assume, if that be correct, the incident upon which he bases the justification for this extraordinary procedure was 12 years ago when Mayor LaGuardia had gotten into an altercation in that polling place.

MR. BARKER: You had the American Labor Party nomination. Had it been given to you in convention?

MR. MARCANTONIO: No, in the primary, but I had no contest in the primary.

MR. BARKER: You had no opponent for the American Labor Party nomination?

MR. MARCANTONIO: That is right.

MR. BARKER: And your opponent for the Democratic nomination was Hannigan?

MR. MARCANTONIO: Yes, and after he had been defeated in the primary, and after his court contest had been decided against him.

MR. SABATINO: The Congressman also ran in the Republican primary.

MR. BARKER: And his opponent was Colonel Frederick Bryan?

MR. MARCANTONIO: Yes.

MR. BARKER: Were all three primaries held simultaneously?

MR. MARCANTONIO: Yes. The people voted in the same polling places at the same time. The Republicans had been given a Republican ballot; the Democrats had been given a Democratic ballot, and the A.D.P. voters an A.D.P. ballot.

MR. BARKER: In the 1944 election, did you have all three of these?

MR. MARCANTONIO: I won them all, but I didn't have any opponent in the A.L.P. primary.

MR. BARKER: You are the Chairman of the American Labor Party?

MR. MARCANTONIO: I am New York County Chairman of the American Labor Party. In 1942 I lost the Republican primary, and this year I lost the Republican primary by only 640 votes to Mr. Bryan.

MR. BARKER: Out of total of how many?

MR. GOODWIN: About 7,000, approximately.

MR. BARKER: In which event you had no opposition in the general election?

MR. MARCANTONIO: Correct. Incidentally, since my Republican opponent who won the primary made no charges of any violence during the primary, it shows how false Mr. Hannigan's charges were because the primary contest took place at the same time and in the same polling places.

MR. BARKER: Congressman, let me ask you this question. I think it is important. Is Colonel Bryan making any active contest of your seat in the House?

MR. MARCANTONIO: He has not filed any contest. I haven't been served with any papers for a contest. If he has it in mind, I don't know. All I can say is that I haven't been served with any papers.

MR. BARKER: Before we leave Colonel Bryan, what was the total majority vote that you defeated Bryan by?

MR. MARCANTONIO: I beat him by 6,538.

MR. BARKER: Out of how large a vote?

MR. MARCANTONIO: 85,000; between 84,000 and 85,000. 84,000 or 85,000 went to vote. I don't know how many actually voted for Congress.

MR. GOODWIN: We have them in the analysis.

MR. MARCANTONIO: (reading): Bryan - Republican - 35,693; Marcantonio - Democrat - 27,341; Marcantonio - American Labor - 14,888. My plurality is 6,536.

MR. BARKER: And those figures were taken from the official records?

MR. MARCANTONIO: Exactly.

MR. GOODWIN: These are subject to a canvass which is in the process of being made of all of these machines. It is done automatically by statute.

MR. SABATINO: Nobody complained about it.

MR. BARKER: Proceed with your statement, Congressman.

MR. MARCANTONIO: Incitement to violence, and provocation to violence were made by my opposition. The press, for instance, the Daily Mirror would make blanket statements about my district in east Harlem being filled with gorillas and criminals, and statements like that, so much so that the community was very much aroused and indignant.

MR. BARKER: Was this prior to the election?

MR. MARCANTONIO: Yes, prior to the election. Despite that, there was not a single instance of anybody being hit north of 99th Street. Some of my people were hit south of 99th Street. They were taken to hospitals. A very reputable business man had three stitches taken in his lip.

In the event of open hearings, I will produce these people who were hit. Many of my meetings were broken up; street corner meetings by organized gangs coming in cars, five or six cars,

jumping out of the cars and attacking one of my meetings. They attacked one of my unit GI's. We had an incident after that and I asked for police protection. I have a telegram which I sent to Commissioner Wallander complaining of the fact that my opponent would have plenty of police around his meeting and I would have no policemen around my meetings.

MR. BARKER: Are you speaking of south of 99th Street?

MR. MARCANTONIO: Yes.

MR. BARKER: That is the district where you lost heavily, as referred to by Justice Botein?

MR. MARCANTONIO: That was in the primary; In the general election I didn't lose it so heavily. I lost it by about 2 to 1. I made out well there, too, considering what the conditions were. There was a deliberate plan for provocation to violence. Mr. Hannigan's speeches, for instance.

MR. SABATINO: Do you want to read into the record a copy of the telegram?

MR. BARKER: You can give it to the reporter or you can attach it.

MR. MARCANTONIO: I said, in the telegram of October 30, 1946, to Mr. Wallander: "I protest against the exclusive use of police protection in my opponent's trucks. He has all of the police. I have none. Just because the press plays up my opponent's false charges is no reason why my trucks should have no police protection and my opponents have all. I ask you to correct this situation."

MR. BARKER: Is that signed by you?

MR. MARCANTONIO: Signed by me.

MR. BARKER: Then what happened?

MR. MARCANTONIO: Then I believe Deputy Inspector or Deputy Chief Inspector Kenny called to see me with respect to this telegram, and he assured me I would get police protection, but I didn't get any.

Continuing incitement to violence - despite the incitement and provocation, there was none. I was referring to the articles in the Mirror and in the New York Journal-American. I would like to refer to Mr. Hannigan's speeches, specifically. Mr. Hannigan not only made speeches where the police themselves had to tell him to desist because he was provoking violence, insulting speeches, insulting the community, and in one instance the police captain himself had to tell Mr. Hannigan to stop that kind of talk; that it was provocative of riots, but the people kept their temper.

On Election Day, Mr. Hannegan, not being a candidate and not being a watcher, had no right at any polling place, but despite that he went from polling place to polling place, and he would pick on my captains and try to get them into arguments with him. For instance, in one polling place he said to one of my men, "Why don't you smile?" and he had three big, husky fellows with him, Mr. Hannigan did. I learned about that at 5:30 that evening, and I made up my mind to catch up with Mr. Hannigan and put a stop to this provocation. I finally found him at a polling place located in the Mount Carmel Parochial School at 115th Street between First

and Pleasant Avenues, and I challenged his right to be there, and I found him in the midst of provoking arguments with my captains. The police sergeant in charge asked Mr. Hannigan for whatever credentials he might have had and Mr. Hannigan pulled out a fake watcher's certificate, and this watchman's certificate had the figure "1-130", a so-called Liberal Party watcher's certificate, and he presumed that with the possession of this certificate he had the right to go into a polling place, which is not so. Under the law you must have a watcher's certificate for a specific polling place. There is no such thing as a roving watcher's certificate, and the record will show, if necessary and if we have open hearings, I shall subpoena the police sergeant who ejected and very courteously asked Mr. Hannigan to leave, and when Mr. Hannigan refused to leave, he had to take him by the arm and escort him outside the polling place.

MR. BARKER: This was on the day of election?

MR. MARCANTONIO: On Election Day.

MR. BARKER: You spoke of large sums of money being used in this campaign against you?

MR. MARCANTONIO: Yes.

MR. BARKER: The law of this state provides that the candidates in the primary shall file a statement of contributions and expenses?

MR. MARCANTONIO: That is right.

MR. BARKER: With an official in the state and I presume it is the Secretary of State?

MR. MARCANTONIO: That is right, and the Board of Elections.

MR. BARKER: Do they file two statements?

MR. MARCANTONIO: Yes.

MR. BARKER: Is that statement a series of statements or is it only one statement?

MR. MARCANTONIO: There is a series of statements - the pre-primary statement, the post-primary statement, the pre-election and the post-election.

MR. BARKER: Have you filed your statements?

MR. MARCANTONIO: I filed all.

MR. BARKER: And the statements that were filed were filed in Albany and in New York City?

MR. MARCANTONIO: Correct. My personal statement would have to be filed with the Board of Elections and my Committee statement would have to be filed with Albany and the Board of Elections.

MR. BARKER: In addition to that, you file a statement with the Clerk of the House of Representatives in Washington?

MR. MARCANTONIO: That is right. I filed two statements, one prior to the election and one the other day.

MR. BARKER: And they constitute your total expenditures?

MR. MARCANTONIO: They constitute my total and my personal expenditures.

MR. BARKER: Would you name that Committee?

MR. MARCANTONIO: That was the Marcantonio Campaign Committee.

MR. BARKER: And that was the only Committee?

MR. MARCANTONIO: That was the only Committee that functioned in my personal behalf. There were other committees that

functioned for the party, generally.

MR. BARKER: Including you?

MR. MARCANTONIO: Naturally, for the whole slate and for the whole interest of the party.

MR. BARKER: And they also filed a statement?

MR. MARCANTONIO: Correct.

MR. BARKER: Have you examined the statement filed by Mr. Hannigan in the primary?

MR. MARCANTONIO: Yes, I have, and I want to say in connection with that statement that Mr. Hannigan's statement was fraudulent; Mr. Bryan's statement was fraudulent, and the Committee set up by Mr. Bryan to evade the New York State law - their statement is fraudulent, and the statement of the New York County Republican Committee is fraudulent.

MR. BARKER: What is the name of the first committee you referred to?

MR. GOODWIN: The Citizens Committee for the Election of Frederick Bryan as Representative in Congress, Mauriello as a Municipal Court Justice and Douglas. It is a phony committee in order to try to evade the law. It was also to elect Richard E. Douglas and Frank Gioeli as members of the Assembly.

MR. BARKER: All from the 18th District?

MR. MARCANTONIO: That Committee admits spending over \$23,000.

MR. SABATINO: If they want to spend \$23,000 extra for Bryan, all they would have to do is to put two other names, so

it would appear like an expenditure for all three.

MR. GOODWIN: That was in addition to the expenditures of Bryan, himself, and the expenditures of the Citizens Committee for the Election of Bryan, separately recorded. There was also a so-called Veterans Non-Partisan Committee for the Election of Bryan and Reynolds.

MR. MARCANTONIO: When there are public hearings, I shall be prepared to explode one of the most scandalous frauds with respect to election expenditures that I have ever witnesses in my 20 years of active political campaigning.

MR. BARKER: Coming back to the reports, what is the limitation by statute which a candidate for Congress may expend under the laws of the State of New York?

MR. MARCANTONIO: \$4,000 for the candidate himself, and \$4,000 for all other committees functioning for that candidate alone. If you have 20 committees functioning for you, all together they can spend only \$4,000 besides your \$4,000. But, there is a provision in the law which says that the Committee functioning for 2 or more candidates-

MR. SABATINO: It is unwritten, but there is no limit as to what such a Committee may spend.

MR. MARCANTONIO: There is no limit what a Committee, functioning for two or more candidates may spend, so this phony committee is gotten up where they may have spent a few dollars or so for the local assembly candidates, Mauriello and Gioios, all of the other money, 99.9% of that \$23,000 that they admit,

and I know of more money which they do not admit, and they try to evade the law by saying this is the committee for Bryan, Giolo, Mauriello and others.

MR. BARKER: There is no breakdown in their statement showing how much they spent for each separate candidate?

MR. GOODWIN: No.

MR. BARKER: And the law does not require a breakdown?

MR. SABATINO: No. There is no law on the subject.

MR. MARCANTONIO: That \$23,000 plus the other reports that they did file does not come anywhere near the amount of money that they spend against me in this campaign. What is more, American Action, Inc., lied to the Committee with respect to the amount of money that they spent against me in behalf of both Hannigan and Mr. Bryan.

MR. BARKER: They were in both the primary and in the general election?

MR. MARCANTONIO: Oh, yes. We have a newspaper quoting Mr. Christenberry, who is the local agent for that Committee, after the primary, admitting that they had spent money for Mr. Hannigan.

MR. BARKER: What is Mr. Christenberry's first name?

MR. MARCANTONIO: Robert, I think.

MR. BARKER: Is he located in your district?

MR. MARCANTONIO: No, he is not. He is located at the Hotel Astor. New York City is New York City. You do not just participate in a campaign in my district merely by residence.

My district was invaded by the Rockefellers, the Vanderbilts, - and what other names of contributors?

(A list was handed by Mr. Goodwin to Mr. Marcantonio)

MR. MARCANTONIO: Not that they do not have the right to contribute. There were contributions from John Hay Whitney, Almerindo Portfolio, John Foster Dulles, E. V. Rickenbacker, John Ms Schiff, T. W. Lamont --

MR. BARKER: Is that the Morgan partner?

MR. MARCANTONIO: Yes. Ruth Baker Pratt, Winthrop W. Aldrich, C. D. Dulles.

MR. BARKER: They were contributors to what?

MR. MARCANTONIO: To my opponent's Committee.

MR. BARKER: And those are listed in his report that he filed with the Board of Elections and the Secretary of State?

MR. MARCANTONIO: Yes.

MR. GOODWIN: It is Robert K. Christenberry.

MR. MARCANTONIO: It is significant that American Action Inc., stated that I was the number one on their list of Congressmen to be defeated. There are reports now filed with the House which fail to reveal a single penny spent against me.

MR. BARKER: You mean the reports that they filed with the Clerk of the House under the Federal Corrupt Practices Act?

MR. MARCANTONIO: Yes.

MR. BARKER: In those reports they do not state that money was spent against Marcantonio?

MR. MARCANTONIO: No.

MR. BARKER: Have you seen those reports?

MR. MARCANTONIO: I have seen a copy of them. I have a copy with my secretary in Washington made in the Clerk's office. This was a conspiracy to defeat me legally or illegally. They failed to do it on Election Day. All these charges are all a continuation of the conspiracy and I am again repeating that I should be given an opportunity to face my accusers, and that evidence should be brought out in the open. It was done with others. Others have sought not to have such an investigation. I take the position that if the Committee decides to have such an investigation, it should be public. Let everything come out in the open and have anybody who has anything to say "put up or shut up", and this is the opportunity to do it for them.

MR. BORDA: I was wondering, Congressman. You stated that these Committees have filed false reports, etc. I wonder if we could have some evidence that you have in order to aid us in our investigation.

MR. MARCANTONIO: I am ready to aid the investigation, and I will do everything to aid the investigation, but there is certain ammunition I want to reserve. This is too serious a fight and I would rather hold back my ammunition until the time comes for shooting, and I want it done in public. I want the people to know what is going on in this thing that the press won't carry, in at least a quarter of an inch, but there are some honest people in the field of publication that will report it.

MR. BORDA: In other words, you intend to do it when the time comes and then you will produce all this evidence?

MR. MARCANTONIO: Exactly.

MR. GOODWIN: You say you are not prepared to give us a bill of particulars of the charges that you may have received against the Congressman. However, I think you have been on the job here some several days and I think we ought to be given an opportunity, even if it is a verbal summary that you can give us of the charges that have been placed with you, to hear what we have been charged with so that we can present you with a refutation of these charges before you leave New York.

MR. BARKER: That is a fair question, and you are entitled to a fair answer.

I would like to ask Congressman Marcantonio, and first I want to say to you, Congressman, that you are a member of the House of Representatives, and as such you are entitled to the usual Congressional courtesies, and when I called you on the phone today to tell you that I wanted to see you, I would have come up to your office, as suggested by you.

MR. MARCANTONIO: That was perfectly all right.

MR. BARKER: And that was when we agreed to meet here in the Federal Building?

MR. MARCANTONIO: I think it is best that we came here.

MR. BARKER: I want to make myself clear about that.

MR. SABBATINO: We didn't want to rely on any technicality whereby we might insist upon appearing before the full Committee, and not merely before any investigators. We wanted to appear cooperative with you.

MR. GOODWIN: Do you think you could give us a verbal summary?

MR. BARKER: I can possibly do that by a series of questions of Congressman Marcantonio.

MR. SABATINO: Have the stenographer jot them down and we will supply you with the data.

MR. BARKER: The Committee is going to meet on Monday to take up your request for a hearing and I can report to them then.

I want to ask you, Congressman, did you know Joseph Scottoriggio?

MR. MARCANTONIO: I did.

MR. BARKER: Did you know him personally?

MR. MARCANTONIO: Yes.

MR. BARKER: How long did you know him?

MR. MARCANTONIO: Several years.

MR. BARKER: Was he a resident of your district?

MR. MARCANTONIO: He was.

MR. BARKER: I read in the paper, and I believe it was a Washington paper, where you were quoted as stating before his death, I think his death occurred on November 12,; is that right?

MR. SABATINO: About a week or so after the election.

MR. MARCANTONIO: I believe that you stated that following this assault that occurred upon him, you had conducted an investigation personally of the matter and had found no evidence of any connection of your organization with that assault?

MR. MARCANTONIO: That is true.

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MR. BARKER: Congressman, are you aware of another statement that appeared in the press quoting the district attorney, Mr. Frank S. Hogan, to the effect that his investigation of this matter indicated that it was a political murder?

MR. MARCANTONIO: Politically motivated.

MR. BARKER: Is that the statement he used?

MR. MARCANTONIO: As I recollect, yes.

MR. BARKER: Did you also read a statement by his assistant?

MR. SABATINO: As I recall some of these statements of Mr. Hogan, although the newspapers gave prominence to the fact that it was politically-motivated, he also covered himself by saying that they are not excluding other possibilities.

MR. BARKER: Did you also notice, Congress, a statement by his assistant in charge of homicide cases, Mr. Jacob Grumet, I believe they call him "Jack", to the effect that this murder was a political matter, or politically motivated?

MR. MARCANTONIO: I don't recall any statement by Grumet to that effect.

MR. BARKER: Do you, Mr. Sabatino?

MR. SABATINO: I don't recall Mr. Grumet being quoted.

MR. BARKER: How about that, Mr. Goodwin?

MR. GOODWIN: I don't recall it. There has been so much in the press about this that I don't know whether they have been correctly quoted to start with, but I recall a statement by someone in the District Attorney's office, the District Attorney himself, possibly, that he believed it was motivated by political

considerations.

MR. BARKER: Regarding Scottoriggio?

MR. GOODMAN: We have other representatives in the District Attorney's office who say that there is no evidence to connect it.

MR. SABATINO: When Scottoriggio was still alive and conscious -

MR. BARKER: I presume that was in New York Hospital.

MR. SABATINO: All we know is what the press says. We haven't the power to interview the "Tribune" and ask what basis did you have for making that statement and whom did you interview. We have no authority for examining the records of the hospital and we are in the dark. In this situation you have more power than we have. You may ask and they may answer, whereas with us we have no power of subpoena and no power of investigation.

MR. BARKER: We fully intend to do that.

Congressman, regarding the assault on Scottoriggio, did that take place in your Congressional district?

MR. MARCANTONIO: According to the press, it did.

MR. BARKER: According to your own investigation, it did take place?

MR. MARCANTONIO: My investigation gives me no information as to anything except that I have questioned my workers, and I have questioned people associated with me in my campaign, and they know as much about it as I do, which is nothing. The press reports are that this man was assaulted at 105th Street and First Avenue, and that is in my Congressional district.